

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-00366-RJC-DSC**

GUY M. DUGAN, ET AL.)
)
Plaintiff,)
)
vs.)
DAVID W. SCHAMENS, ET AL.,)
)
Defendant.)
)

ORDER

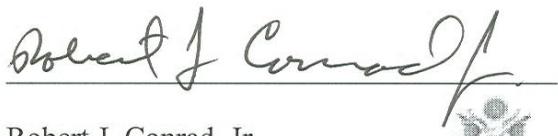
THIS MATTER is before the Court on remand from the Fourth Circuit with instructions to consider Plaintiffs' motion to dismiss Defendant Invictus Capital Growth and Income Fund, LLP under Federal Rule of Civil Procedure 21. (Fourth Circuit Case No. 19-1476, Doc. No. 54). On February 24, 2022, the Court held a hearing on the matter. For the reasons stated in open court at the hearing, **IT IS ORDERED** that:

1. The Court **GRANTS** Plaintiffs' motion to dismiss Defendant Invictus Capital Growth and Income Fund, LLP under Rule 21 (Fourth Circuit Case No. 19-1476, Doc. No. 54). The Complaint (Doc. No. 1) is hereby amended to **DISMISS** Invictus Capital Growth and Income Fund, LLP as a Defendant. The Court's default judgment (Doc. No. 69) is amended to **VACATE** the judgment against Invictus Capital Growth and Income Fund, LLP. The default judgment remains the same in all other respects.

2. Because there is not a stay to enforce the default judgment in place, the Clerk of Court is directed to act in its normal course upon receipt of requests related to enforcement of the default judgment by Plaintiffs.

SO ORDERED.

Signed: March 7, 2022



Robert J. Conrad, Jr.
United States District Judge

